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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,437	11/21/2001	Mamiko Sugimoto	DP-820 US	1606

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EXAMINER

HOLTON, STEVEN E

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,437

Applicant(s)

SUGIMOTO ET AL.

Examiner

Steven E. Holtan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,9-17,19,20,24-28 and 30 is/are rejected.
- 7) ☒ Claim(s) 3,6-8,18,21-23 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 9/13/2005. Claims 1-30 are currently pending in the application. An action follows below:

Claim Objections

2. Claims 11 and 12 are objected to because of the following informalities: in the preamble of the claim the phrase 'with one of claim #'. The phrase specifies a single claim reference, but the term 'one of' suggests that there should be multiple references. The examiner recommends removing the words 'one of' from the claims to correct this problem. Appropriate correction is required.

3. Claims 3, 6-8, 18, 21-23, and 29 are objected to because of the following informalities: the claims include phrasing which is unclear. Both claims state the data is stored after "one of a depression of Lock button and an operation to explicitly close a medical report". The phrase "one of" implies that there are choices of actions that allow for the data to be stored, however the use of 'and' implies that the combination of Lock button and explicit close operation are joined as a single operation. Either the 'one of' phrase should be removed, or the 'and' should be changed to 'or' in order to point out the intended meaning of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 2, 9, 10, 12, 13, 15-17, 24, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick (USPN: 5561446) in view of Tanaka (USPN: 5249296).

Regarding claims 1, 9 and 28 which are a method, computer program implementing the method and device, Montlick discloses, a medical treatment support system comprising and an associated method of operation, the system comprising: an input/display device (Fig. 1, element 12) including input means and display means and receiving hand writing inputs (see Fig. 3), a storage (Fig. 1, elements 19 and 20) for storing substantially all medical data (col. 4, line 66- col. 5 line 2), a communication device (Fig. 1, elements 26a-d); and a controller (Fig. 1, element 10). However, Montlick does not expressly disclose, "the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward; and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data."

Tanaka discloses a gesture based input system for a pen based input system. The input system allows that a new window is opened after the execution of a dragging

operation of an icon on the screen (abstract; col. 3, lines 9-12; col. 5, lines 9-28). The Examiner states that the dragging operation of Tanaka involves selecting an associated icon for a record/file/program and then dragging the icon to a location on the screen, wherein the computer system then opens a window and displays the associated information to the icon. The dragging operation may be done in any direction including up; and the generic icon of Tanaka also covers a sheet label or other type of designation of a file or program operating on the computer system.

At the time of invention it would have been obvious to one skilled in the art that would be possible to modify a handwriting input system such as disclosed by Montlick with the ability to select an icon and drag the icon in a direction to display the file information at the location specified by the drag operation as disclosed by Tanaka. The motivation for doing so would have been "to provide an information processing apparatus for controlling window positions, the apparatus allowing the user to employ any one of the two icon-selecting methods, "check" and "drag" (Tanaka, col. 2, lines 34-38)" also Tanaka finds prior art systems for displaying a window to be "complicated, constrained and confusing (col. 2, line 30)." Thus, it would have been obvious to one skilled in the art to combine Montlick and Tanaka to produce a device as specified in claims 1, 9, and 28.

Regarding claims 2 and 10, Montlick teaches, a medical treatment system where when the segments (Fig. 3, segments labeled 'Vital Signs', 'Eyes', 'Ears' and 'Other') of an input field are displayed (Fig. 3, element, element 50), the segments have labels assigned in a previously specified sequence. The Examiner notes that many of the

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input fields are pre-made forms from the central controller, thus the segment labels are assigned based on predetermined sequences.

Regarding claims 12, 13, and 15, the Examiner takes Official Notice that at the time of invention it was well known in the art to make data files stored on a network to be unalterable except by users with certain permissions. When a user accessed a file that has been made unalterable, a display item, icon, or message is displayed to the user that the data cannot be changed. Therefore, it would have been obvious to one skilled in the art to allow that medical records not be altered because of the need of accurate medical history for patients, and would display information so that a user would recognize when a medical record could not be altered.

Regarding claims 16, 17, 24, 25, and 27, Montlick teaches, "wherein said input/display device is a pen-tablet device (Fig. 1, element 12)."

5. Claims 4, 5, 11, 14, 19, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick in view of Tanaka as applied to claims 1 and 9 above, and further in view of Snell et al. (USPN: 5724985), hereinafter Snell.

Regarding claims 4, 5, and 11, as discussed above, Montlick and Tanaka teach all of the except, "wherein said input/display device conducts character recognition processing for handwritten data inputted from said input means, the handwritten data being an array of values of coordinates; converts by said character recognition processing the data into text data including an array of character codes, and displays

the text data.” Montlick does disclose saving handwriting data as ‘x and y screen pixel coordinates (col. 4, line 24)’.

Snell discloses, “special software programs called text recognition engines are known and have been applied to tablet computers. Such engines allow pen input to be recognized as characters and then manipulated as character data (col. 26, lines 38-42).”

At the time of invention, it would have been obvious to one skilled in the art to modify a system of the combination of Montlick and Tanaka to further provide text recognition as noted by Snell. The motivation for doing so would have been to provide “an improved apparatus and method for viewing, manipulating and annotating both real-time and stored medical data (Snell, col. 5, lines 50-55).” Also, even though neither Montlick, Tanaka, nor Snell disclose storing the coordinate data in an array, the examiner takes Official Notice that it is a well-known practice in the art of computer science to use an array to store lists of numerical data, such as coordinate data from a touch or pen based input system. The motivation for doing so would be to have an organized set of coordinate data that could be easily accessed and manipulated for use in calculations and other operations of the system. Therefore, it would have been obvious at the time of invention to store coordinate data in an array to produce a tablet input system for medical records that converted handwritten notes into text information to produce a device as specified in claims 4, 5, and 11.

Regarding claim 14, the Examiner takes Official Notice that at the time of invention it was well known in the art to make data files stored on a network to be

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unalterable except by users with certain permissions. When a user accessed a file that has been made unalterable, a display item, icon, or message is displayed to the user that the data cannot be changed. Therefore, it would have been obvious to one skilled in the art to allow that medical records not be altered because of the need of accurate medical history for patients, and would display information so that a user would recognize when a medical record could not be altered.

Regarding claims 19, 20, and 26, Montlick teaches, "wherein said input/display device is a pen-tablet device (Fig. 1, element 12)."

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick in view of Tanaka as applied to claim 9 above, and further in view of "Flatland: New Dimensions in Office Whiteboards", (CHI'99, Proceedings of the SIGCHI conference on Human factors in computing systems; 1999; pages 346-353), hereinafter Flatland.

Regarding claim 30, as discussed above the combination of Tanaka and Montlick fail to disclose a specific computer operating system "comprising at least one of: [operations 1-8]".

Regarding the limitations beginning, "the seventh operation" and "the eighth operation" Flatland describes a method of resizing objects on the screen when other objects are dragged around the screen (page 4, section titled "Moving Squashing and Flipping") as discussed in the claim limitations. The Examiner notes that although Flatland performs the operations on prewritten objects on the screen it would be possible to do this with input fields or boxes as well.

Therefore, at the time of invention it would have been possible for one skilled in the art to modify graphic object functionality to allow graphic objects displayed on the medical record system of Montlick and Tanaka to be moved and resized based on the movement of other items on the screen as taught by Flatland. The motivation for doing so would have been "to support flexible management of a dynamic whiteboard space such as freeing up whitespace for new input while maintaining the visibility of current content (Flatland, page 2, col. 1, lines 53-55)." Thus, it would have been obvious to combine Montlick, Tanaka and Flatland to produce a device providing at least one of the disclosed steps in claim 30.

Response to Arguments

7. The changes to the drawings have been reviewed and are acceptable. The objections are withdrawn.

8. The Examiner apologizes for overlooking the preliminary amendment and agrees that the "with one of claim #" language was removed from the claims previously cited except for claims 11 and 12. The objections to these claims have been restated because the claims most recently presented still possess this language.

9. Applicant's arguments, see pages 19-25, filed 9/13/05, with respect to the rejection(s) of claim(s) 1, 9, and 28 under U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tanaka.

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10. The Examiner disagrees with the Applicant's statement that the Flatland reference is unrelated to the pen based input systems and that no person of skill in the art would have considered the different references. The Examiner notes that one of the stated inventors of the current application, Takeo Igarashi, is one of the authors of the Flatland reference, showing that one skilled in the art would possess knowledge of both systems. The Examiner has found other papers co-authored by Mr. Igarashi disclosing similar systems that are **not** prior art, and not mentioned on the record. Further, the Examiner notes that both systems deal with pen based computer input systems. A whiteboard pen input system would merely be a larger version of a tablet computer pen input system. It would have been obvious to one of ordinary skill in the art that computer program designed for a pen based input system would operate on any pen based input system and the change in scale from a larger whiteboard system to a tablet computer system to a personal digital assistant would be possible. The Examiner does note that the Flatland reference only teaches some of the methods utilized in the claimed invention, but not all of the described operations are taught by the prior art currently of record. The Applicant may wish to reconsider the use of the phrase "at least one of" found in the preamble of claim 30.

The Examiner also disagrees with the Applicant's statement that the Snell reference is unrelated to the pen based input system of Montlick. The Snell system is drawn directly to the use of a pen based computer input system with a tablet computer using a digitizer to record handwritten input information (Snell, Abstract). Montlick is also drawn to a digitizer based handwritten input information system. The usage of

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handwritten systems with pen or tablet based digitizers are related to one another, and the relationship would have been obvious to one of ordinary skill in the art. The Examiner also notes that the primary use of the Snell reference is to show that using character/text recognition to convert coordinate data to character data is old and well known in the art of handwritten input systems.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven E. Holton whose telephone number is (571) 272-7903. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven E. Holton
December 14, 2005
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VIJAY SHANKAR
PRIMARY EXAMINER